

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent	)	
application of:	)	Before the Examiner
	)	
John P. Vanden Heuvel et al.	)	
	)	
Serial No. 09/555,987	)	
	)	Group Art Unit
Filed June 7, 2000	)	
	)	
METHODS AND COMPOSITIONS FOR	)	
TREATING DIABETES	)	September 5, 2000

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application—Filing Date

Granted of June 7, 2000, please file the following executed documents:

- (1) Declaration for Utility or Design Patent Application;
- (2) Copy of the Notification of Missing Requirements under 35 U.S.C.

371 In the United States Designated/Elected Office (DO/EO/US);

- (3) Check for the surcharge of \$65.00 for a Small Entity;
- (4) Small Entity Declarations for Nonprofit Organization (2); and
- (5) Assignments, Assignment Recordation Forms, and three (3) checks for

\$40.00.

It is believed the application is now in condition for examination and such action by the Examiner is respectfully requested.

Respectfully submitted

By: \_\_\_\_\_

Jason J. Schwartz  
Reg. No. 43,910  
Woodard, Emhardt, Naughton,  
Moriarty & McNett  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on **September 5, 2000**.

Jason J. Schwartz  
Name of Registered Representative

\_\_\_\_\_  
Signature

**SEP. 5 2000**  
Date of Signature

# FEE TRANSMITTAL FOR FY 1999

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity  
statement, otherwise large entity fees must be paid.  
See Forms PTO/SB/09-12.

**Complete if Known**

Application Number	09/555,987
Filing Date	June 7, 2000
First Named Inventor	John P. Vanden Heuvel
Group Art Unit	
Examiner Name	
Attorney Docket Number	7024-465

**Total Amount of Payment (\$)** **240.00**
**Method of Payment (check one)**
1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number **23-3030**

Deposit Account Name **Woodard, Emhardt, Naughton, Moriarty & McNett**
☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other
**Fee Calculation****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	690	201	345	Utility Filing Fee	
106	310	206	155	Design Filing Fee	
107	480	207	240	Plant Filing Fee	
108	690	208	345	Reissue Filing Fee	
114	150	214	75	Provisional Filing Fee	

**SUBTOTAL (1) (\$)**
**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee From Below	Fee Paid
-20**	=	x	=
-3**	=	x	=
Multiple Dependent			=

\*\* or number previously paid, if greater; for reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim, if not paid
109	78	209	39	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)**
**Fee Calculation (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	318	680	Extension for reply within fourth month	
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	120
146	690	246	345	Filing a submission after final rejection (37 CFR 1.129(a))	
149	690	249	345	For each additional invention to be examined (37 CFR 1.129(b))	

Other Fee (specify)

Other Fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL(3)**
**\$240**
**SUBMITTED BY**
Typed or Printed Name **Jason J. Schwartz**

Signature

Date

**SEP 5 2000**
**Complete (if applicable)**
Reg. Number **43,910**

Deposit Account User ID **23-3030**

RECEIVED

JUL 14 2000

Woodard, Emhardt, Naughton Moriarty & McNelly



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/555987	VANDEN HEUVEL	J 7024465PUR99
INTERNATIONAL APPLICATION NO.		
PCT/US98/26469		
I.A. FILING DATE		PRIORITY DATE
11 DEC 98		12 DEC 97
DATE MAILED: 05 JUL 2000		

KENNETH A GANDY  
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NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☐ a non-English language.
  - ☒ English.
- ☐ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☒ Assignment document.
- ☒ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☐ Verified Statement Claiming Small Entity Status.
- ☐ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☒ Other: PCT/RO/101



2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice **MUST** be returned with this response.*

Enclosed:

☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Barbara A. Campbell

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